

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Michael Krichevsky,

Case No.: 8-22-71045-ast

Chapter 11

Debtor.

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**ORDER EXTENDING TEMPORARY RESTRAINING ORDER AND GRANTING
MOTION FOR A PERMANENT INJUNCTION**

WHEREAS, on June 15, 2022, the Court entered its Contested Matter Scheduling Order [Dkt. No. 286], which set forth the procedures with respect to certain motions pending before the Court and to be heard on July 18, 2022 at 10:00 a.m. ET; and

WHEREAS, on June 30, 2022, the Court entered its Amended Contested Matter Scheduling Order [Dkt. No. 294], adjourning the July 18, 2022 hearing to July 28, 2022 at 1:00 p.m. ET; and

WHEREAS, on July 22, 2022, Select Portfolio Servicing, Inc. as servicer for U.S. Bank NA, successor trustee to Bank of America, NA, successor in interest to LaSalle Bank NA, on behalf of the holders of the WaMu Mortgage Pass-Through Certificates, Series 2005-AR15 (“SPS”) filed its Emergency Motion On Shortened Notice For a Civil Contempt, For a Permanent Injunction, to Quash Subpoenas Filed by the Debtor on July 21, 2022 and For Shortened Notice (the “SPS Motion”) [Dkt. Nos. 310, 314] in connection with trial subpoenas purportedly served on Shari Barak, Esq. [Dkt. No. 306] and Robert W. Griswold, Esq. [Dkt. No. 308] counsel of record for SPS; and

WHEREAS, on July 25, 2022, Wells Fargo Bank, N.A. (“Wells Fargo”), as Servicing Agent for U.S. Bank National Association, as Trustee for Banc of America Funding Corporation Mortgage Pass-Through Certificates, Series 2006-F, and the Bank Defendants (as defined therein)

filed their motion to join the SPS Motion (the “WF Motion”) [Dkt. Nos. 315, 316] in connection with a trial subpoena purportedly served on James N. Faller, Esq. [Dkt. No. 307], counsel of record for Wells Fargo and the Bank Defendants; and

WHEREAS, on July 27, 2022, Elipiniki M. Bechakas, Esq. (“Bechakas”) filed her Emergency Motion On Shortened Notice to Quash Subpoena Filed by the Debtor on July 25, 2022 and For Shortened Notice (the “Bechakas Motion” and, together with the SPS Motion and the WF Motion, the “Contempt Motions”) [Dkt. No. 319] in connection with a trial subpoena purportedly relating to Bechakas [Dkt. No. 312] as a non-party in the bankruptcy proceeding; and

WHEREAS, on July 28, 2022, the Court held a hearing on, among other things, the Contempt Motions, at which the Court granted the Contempt Motions in part; and

WHEREAS, on August 8, 2022, the Court entered an Order granting the motion for civil contempt, for injunctive relief and to quash the subpoenas in part (the “Contempt Order”) [Dkt. No. 333]; and

WHEREAS, the Contempt Order, among other relief, temporarily restrained the Debtor from personally appearing at the residences of Shari Barak, Esq., Robert W. Griswold, Esq., or James N. Faller, Esq., for any reason, including for the purpose of serving or delivering subpoenas, process or any other filing or correspondence in connection with this case; and

WHEREAS, the Court adjourned the Contempt Motions to August 30, 2022, for the purpose of considering additional sanctions, including granting a permanent injunction; and

WHEREAS, on August 30, 2022, the Court held a hearing on the Contempt Motions and on the issue of whether to grant additional sanctions or to issue a permanent injunction against the Debtor, at which the UST, SPS, Wells Fargo and the Bank Defendants appeared through their respective counsel of record and were heard on the record; and

WHEREAS, the Debtor, Michael Krichevsky, (the “Debtor”) failed to appear at the August 30, 2022 hearing; and

WHEREAS, following oral argument had during the August 30, 2022 hearing, and all parties having been heard and all submissions considered, the Court issued a decision on the record granting the Contempt Motions as set forth on the record and directed movants to submit an order consistent therewith.


NOW THEREFORE, it is hereby

ORDERED, that additional relief is granted on the Contempt Motions to the extent set forth herein for the reasons set forth on the record at the August 30, 2022 hearing; and it is further

ORDERED, that, without prejudice to the proscriptions in place in the May 28, 2021, and June 15, 2021, Orders [Dkt. Nos. 124, 164], Debtor is permanently restrained from personally appearing at the residences of Shari Barak, Esq., Robert Griswold, Esq. and James N. Faller, Esq. for any reason, including for the purpose of serving or delivering subpoenas, process or any other filing or correspondence in connection with this case.

Dated: September 8, 2022
Central Islip, New York




Alan S. Trust
Chief United States Bankruptcy Judge